

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)**

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/IT2004/000189

International filing date (day/month/year)  
08.04.2004

Priority date (day/month/year)  
06.06.2003

International Patent Classification (IPC) or both national classification and IPC  
A61N1/32

Applicant  
TELEA ELECTRONIC ENGINEERING S.R.L.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

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2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Beck, E

Telephone No. +49 89 2399-2964



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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II    Priority**

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1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 1-7

because:

- ☒ the said international application, or the said claims Nos. 1-7 relate to the following subject matter which does not require an international preliminary examination (*specify*):

**see separate sheet**

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 1-7
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
  - the written form ☐ has not been furnished
  - ☐ does not comply with the standard
  - the computer readable form ☐ has not been furnished
  - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- ☐ See separate sheet for further details

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**Box No. V Reasoned statement under Rule 43*b/s*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	8-14
	No: Claims	
Inventive step (IS)	Yes: Claims	8-14
	No: Claims	
Industrial applicability (IA)	Yes: Claims	8-14
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item III**

The method of treating skin ageing as defined in claims 1-7 is considered a therapeutic method. It should be noticed that the term "cosmetic" does not exclude the method from having to be regarded as "medical treatment".

Therefore, according to Rule 39.1 PCT no search was performed for the subject-matter of claims 1-7.

Moreover, according to Article 34(4)(a)(i) PCT and Rule 67.1 PCT, no international preliminary examination is required to be carried out on these claims.

**Re Item V**

1. Reference is made to the following documents:

D1: FR-A-2 394 301

D2: US-A-6 142 927

2. Document **D1**, which is considered to represent the most relevant state of the art, discloses a stimulation device from which the subject-matter of claim 8 differs in that it comprises a radiofrequency circuit adapted to produce an output consisting of a current wave of distorted sinusoidal form by the presence of harmonics of at least the second and third order.

Document D1 does not specify the characteristics of the applied stimulation impulse.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as to provide an alternative device stimulating a cellular regeneration using a specified stimulation wave.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT).

The use of a radiofrequency radiation for stimulation of bioprocesses at the cellular level is known in the art (see e.g. D2: abstract; col.10, l.40-42). However,

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AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IT04/00189

none of available prior art documents discloses the use of a radiofrequency wave of distorted sinusoidal form by the presence of harmonics of at least the second and third order. Document D2 suggests the alternative use of a sine wave of a selected frequency or a harmonic frequency (see D2: col.10, l.49-52). Therefore, the use of the distorted wave is neither known from, nor rendered obvious by, the available prior art. The subject-matter of claim 1 is thus considered as involving an inventive step.

3. Claims 9-14 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.